



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1665

Introduced 2/22/2007, by Rep. Marlow H. Colvin

SYNOPSIS AS INTRODUCED:

705 ILCS 405/2-23

from Ch. 37, par. 802-23

Amends the Abused, Neglected, or Dependent Minors Article of the Juvenile Court Act of 1987. Provides that the court may not, in an order of disposition under that Article, order specific placement, specific services, or specific service providers while the minor is in temporary custody unless otherwise specifically authorized by law.

LRB095 08570 RLC 28753 b

1 AN ACT concerning courts.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 2-23 as follows:

6 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

7 Sec. 2-23. Kinds of dispositional orders.

8 (1) The following kinds of orders of disposition may be
9 made in respect of wards of the court:

10 (a) A minor under 18 years of age found to be neglected
11 or abused under Section 2-3 or dependent under Section 2-4
12 may be (1) continued in the custody of his or her parents,
13 guardian or legal custodian; (2) placed in accordance with
14 Section 2-27; (3) restored to the custody of the parent,
15 parents, guardian, or legal custodian, provided the court
16 shall order the parent, parents, guardian, or legal
17 custodian to cooperate with the Department of Children and
18 Family Services and comply with the terms of an after-care
19 plan or risk the loss of custody of the child and the
20 possible termination of their parental rights; or (4)
21 ordered partially or completely emancipated in accordance
22 with the provisions of the Emancipation of ~~Mature~~ Minors
23 Act.

1 However, in any case in which a minor is found by the
2 court to be neglected or abused under Section 2-3 of this
3 Act, custody of the minor shall not be restored to any
4 parent, guardian or legal custodian whose acts or omissions
5 or both have been identified, pursuant to subsection (1) of
6 Section 2-21, as forming the basis for the court's finding
7 of abuse or neglect, until such time as a hearing is held
8 on the issue of the best interests of the minor and the
9 fitness of such parent, guardian or legal custodian to care
10 for the minor without endangering the minor's health or
11 safety, and the court enters an order that such parent,
12 guardian or legal custodian is fit to care for the minor.

13 (b) A minor under 18 years of age found to be dependent
14 under Section 2-4 may be (1) placed in accordance with
15 Section 2-27 or (2) ordered partially or completely
16 emancipated in accordance with the provisions of the
17 Emancipation of ~~Mature~~ Minors Act.

18 However, in any case in which a minor is found by the
19 court to be dependent under Section 2-4 of this Act,
20 custody of the minor shall not be restored to any parent,
21 guardian or legal custodian whose acts or omissions or both
22 have been identified, pursuant to subsection (1) of Section
23 2-21, as forming the basis for the court's finding of
24 dependency, until such time as a hearing is held on the
25 issue of the fitness of such parent, guardian or legal
26 custodian to care for the minor without endangering the

1 minor's health or safety, and the court enters an order
2 that such parent, guardian or legal custodian is fit to
3 care for the minor.

4 (c) When the court awards guardianship to the
5 Department of Children and Family Services, the court shall
6 order the parents to cooperate with the Department of
7 Children and Family Services, comply with the terms of the
8 service plans, and correct the conditions that require the
9 child to be in care, or risk termination of their parental
10 rights.

11 (2) Any order of disposition may provide for protective
12 supervision under Section 2-24 and may include an order of
13 protection under Section 2-25.

14 Unless the order of disposition expressly so provides, it
15 does not operate to close proceedings on the pending petition,
16 but is subject to modification, not inconsistent with Section
17 2-28, until final closing and discharge of the proceedings
18 under Section 2-31.

19 (2.1) Unless otherwise specifically authorized by law, the
20 court may not under this Section order specific placement,
21 specific services, or specific service providers while the
22 minor is in temporary custody.

23 (3) The court also shall enter any other orders necessary
24 to fulfill the service plan, including, but not limited to, (i)
25 orders requiring parties to cooperate with services, (ii)
26 restraining orders controlling the conduct of any party likely

1 to frustrate the achievement of the goal, and (iii) visiting
2 orders. Unless otherwise specifically authorized by law, the
3 court is not empowered under this subsection (3) to order
4 specific placements, specific services, or specific service
5 providers to be included in the plan. If the court concludes
6 that the Department of Children and Family Services has abused
7 its discretion in setting the current service plan or
8 permanency goal for the minor, the court shall enter specific
9 findings in writing based on the evidence and shall enter an
10 order for the Department to develop and implement a new
11 permanency goal and service plan consistent with the court's
12 findings. The new service plan shall be filed with the court
13 and served on all parties. The court shall continue the matter
14 until the new service plan is filed.

15 (4) In addition to any other order of disposition, the
16 court may order any minor adjudicated neglected with respect to
17 his or her own injurious behavior to make restitution, in
18 monetary or non-monetary form, under the terms and conditions
19 of Section 5-5-6 of the Unified Code of Corrections, except
20 that the "presentence hearing" referred to therein shall be the
21 dispositional hearing for purposes of this Section. The parent,
22 guardian or legal custodian of the minor may pay some or all of
23 such restitution on the minor's behalf.

24 (5) Any order for disposition where the minor is committed
25 or placed in accordance with Section 2-27 shall provide for the
26 parents or guardian of the estate of such minor to pay to the

1 legal custodian or guardian of the person of the minor such
2 sums as are determined by the custodian or guardian of the
3 person of the minor as necessary for the minor's needs. Such
4 payments may not exceed the maximum amounts provided for by
5 Section 9.1 of the Children and Family Services Act.

6 (6) Whenever the order of disposition requires the minor to
7 attend school or participate in a program of training, the
8 truant officer or designated school official shall regularly
9 report to the court if the minor is a chronic or habitual
10 truant under Section 26-2a of the School Code.

11 (7) The court may terminate the parental rights of a parent
12 at the initial dispositional hearing if all of the conditions
13 in subsection (5) of Section 2-21 are met.

14 (Source: P.A. 89-17, eff. 5-31-95; 89-235, eff. 8-4-95; 90-27,
15 eff. 1-1-98; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98; 90-655,
16 eff. 7-30-98; revised 10-9-03.)